

MINUTES
UTAH DECEPTION DETECTION EXAMINER BOARD
APRIL 20, 2005 - 9:00 A.M.
Room 4A - Fourth Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 9:10 A.M.

ADJOURNED: 10:10 A.M.

PRESENT:

Clyde Ormond, Bureau Manager
Darlene Congrove, Assistant Board Secretary
Board Members:
Steven Bartlett Dana Walker
John Pickup Lon Brian

EXCUSED:

Brent Bullock

ABSENT:

Scott Barnett Richard Triplett

GUESTS:

David Harris, Utah Polygraph Association

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes

The minutes of the December 15, 2004 board meeting were approved as written.

New Board Members

Mr. Ormond administered the oath of office to Lon Brian. Mr. Ormond then reviewed the duties and responsibilities of the board member, as stated in 58-1, Utah Code Annotated, and R156-1, Utah Administrative Code.

NEW BUSINESS:

Rule Change: Define Investigator without Police Background

Mr. Ormond presented the rule change proposal R156-64-302b(2) that states: "the 8,000 hours of investigation experience shall have been as a criminal or civil investigator with a federal, state, county or municipal law enforcement agency, or other acceptable investigation experience approved by the division in collaboration the board." In addition, he reported that this would open more opportunity for the deception detection industry.

Mr. Bartlett informed the board that the rule implies the appearance of "gate keeping" and the intent of the law is for the examiner to have the knowledge of criminal or civil investigations (including crime scene investigation).

Rule Change: Define Investigator without Police
Background (Cont)

Mr. Pickup asked who determines “other acceptable experience.” Mr. Ormond stated the board determines acceptable experience. Mr. Bartlett agreed that this is appropriate.

Mr. Brian inquired what happens if the proposed examiner lacks the appropriate experience. Mr. Ormond informed the board that the Division can help out with any shortcomings regarding relevant training. Mr. Bartlett reported that there are numerous classes obtainable and most applicants are already involved in the field.

Mr. Ormond reviewed the denial and appeal process in which the Division can take a very close look at the proposed examiner. After careful consideration, the board agreed to accept the rule change proposal.

Term of License for Internship

Mr. Ormond presented the rule change proposal R156-64-303(3) that states: “A deception detection intern license shall be valid for a period of not less than one year and may be renewed not more than twice, unless approved by the division in collaboration with the board.”

Mr. Bartlett reported that the intern must be vigorously involved in the industry. Mr. Ormond stated that there must be a timeframe established to complete the internship. Mr. Pickup informed the board that the intern must be continuously working on pertinent skills. After careful consideration, the board agreed to accept the rule change proposal.

DISCUSSION ITEMS:

Should a Reinstatement have to retake professional exams?

Mr. Ormond reported that the examiners must pass the following: (1) the Utah Deception Examiners Law and Rules Examination and (2) the Utah Deception Detection Examiners Examination. (Note that it is not necessary that the applicant retake this examination.) The board agreed that only the Utah Deception Detection Examiners Examination should be taken after two years when reinstating licensure which was active and in good standing at the time of expiration of licensure. After careful consideration, it was recommended that the Utah Deception Detection Examiners Examination should be retaken because the changes in the essential techniques in administering

Should a Reinstatement have to retake professional exams? (Cont)

examinations and there is always continuous change. At the next board meeting, Mr. Ormond will report on the “content outline” and the “pool of questions” regarding the Utah Deception Detection Examiners Examination.

Continuing Education Requirements

Mr. Ormond reported on the importance of maintaining licensure as substantiated by the following: 1. According to Subsection 58-64-303(2): “At the time of renewal, the licensee shall show satisfactory evidence of having performed not less than 25 deception detection examinations.” 2. According to Subsection R156-64-304(2): “Continuing education shall consist of 60 hours of qualified continuing professional education in each preceding two year period.” Also, he stated that the examiner has difficulty with the continuing education requirements if the examiner does not stay up to date.

Deception Detection Examiners Rule Change Proposal
Submitted by John Pickup

Mr. Pickup presented a rule change proposal that is in compliance with the American Polygraph Association (APA). Mr. Bartlett stated that it behooves the board to review the rule change proposal. At the next board meeting, Mr. Ormond will report on the rule change proposal that includes the definition of the American Polygraph Association (APA).

Mr. Pickup discussed the rule change proposal with reference to conducting an examination on a person who is pregnant; except for voice stress should be removed from the rule. Mr. Bartlett reported that it is how the person feels at the present time. After careful consideration, it was determined that this should be removed from the rule.

Mr. Pickup stated that the examiner shall have completed specialized training for sex offender polygraphs. This is a difficult area to deal with.

The board discussed the rule change proposal regarding not providing at least 20 seconds between the beginning of one question and the beginning of the next. Mr. Brian expressed concern over the 20 second interval as stated above. Mr. Ormond asked if this is applicable for very long questions. After careful consideration, the board agreed that 20 seconds is acceptable.

NEXT MEETING:

September 14, 2005

DATE APPROVED

CHAIRPERSON, UTAH DECEPTION
DETECTION EXAMINER BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING